

military units preparing for battle on America's streets.

We fight our wars abroad, not at home, and the weapons and tactics used on our local streets should reflect that fact.

The New York Times recently reported that:

Police departments have received thousands of pieces of camouflage and night-vision equipment and hundreds of silencers, armored cars, and aircraft.

I think this is appalling. My amendment would prohibit the Department of Defense from gifting excess equipment, such as aircraft—including drones—armored vehicles, grenade launchers, silencers, bombs, and so on to local police departments.

There is no mass rebellion brewing here in the United States. There are no improvised explosive devices on the sides of our roads, but the abuse of military equipment to ward off these nonexistent threats is happening nonetheless.

So, of course, what you would expect to happen is happening. As The New York Times article, "War Gear Flows to Police Departments" explains:

Police SWAT teams are now deployed tens of thousands of times each year, increasingly for routine jobs. Masked, heavily-armed police officers raided a nightclub in 2006 as part of a liquor inspection. In Florida in 2010, officers in SWAT gear and with guns drawn carried out raids on barbershops that mostly led to charges of "barbering without a license."

DOD equipment is changing the mentality of police departments throughout our country. Recruiting videos now feature clips of officers storming into homes with smoke grenades and firing automatic weapons into homes, as well as clips of officers creeping through the fields in camouflage—war camouflage. This is not policing; this is war.

One South Carolina sheriff's department now takes its new tanklike vehicle with a mounted .50-caliber gun to schools and community events. The department spokesman said his tank is a conversation starter. That is not a conversation I want us to have.

I think this is wrong. The Federal Government should not be encouraging our public servants to view America as occupied territory. I prefer the views of Ronald Teachman, the police chief in South Bend, Indiana.

According to that New York Times article, he decided not to request a mine-resistant vehicle for his city of South Bend, Indiana. He said:

I go to schools, and I bring "Green Eggs and Ham."

Let's encourage leaders like the very appropriately named Ronald Teachman. Let's not treat our citizens as terrorists, and let's help our police act like the public servants they need to be.

I reserve the balance of my time.

POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes

legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part:

"An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment requires a new determination.

I ask for a ruling from the Chair.

The Acting CHAIR. Does the gentleman from Florida wish to be heard on the point of order?

Mr. GRAYSON. Yes.

The Acting CHAIR. The gentleman from Florida is recognized.

Mr. GRAYSON. There is no new determination out of this amendment. I call your attention to the specific language here. It says:

None of the funds made available in this act may be used to make aircraft (including unmanned aerial vehicles), armored vehicles, grenade launchers, silencers, toxicological agents (including chemical agents, biological agents, and associated equipment), launch vehicles, guided missiles, ballistic missiles, rockets, torpedoes, bombs, mines, or nuclear weapons (as identified for demilitarization purposes outlined in Department of Defense Manual 4160.28).

In other words, all the terms that I just described are as identified for demilitarization purposes as outlined in Department of Defense Manual 4160.28. Since they are in the Department of Defense Manual 4160.28, they require no new determination of law.

I will continue:

Available to local law enforcement agencies through the Department of Defense Excess Personal Property Program.

Again, local enforcement agencies is a defined term under statute. The Excess Personal Property Program is established, as this amendment indicates, pursuant to section 1033 of Public Law 104-201, the National Defense Authorization Act for Fiscal Year 2007.

Therefore, every single term that is used here is a term defined in law. There is no new determination to be made by anybody, including the people who enforce this amendment.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this amendment includes language requiring a new determination as to the meaning of "local law enforcement agencies" within the context of the Department of Defense Excess Personal Property Program.

The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DAINES) having assumed the chair, Mr. COLLINS of Georgia, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that

Committee, having had under consideration the bill (H.R. 4870) making appropriations for the Department of Defense for the fiscal year ending September 30, 2015, and for other purposes, had come to no resolution thereon.

□ 2015

AMNESTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, I want to express my appreciation to the Appropriations Committee for the appropriations process. I think we are all better when we have open amendments and have a chance to have everybody have input. It is a nasty process, but it is a good way to do it.

Input is important, because when you don't listen to proper input, you can end up having a judgment, as did the Pelletier case where a juvenile court judge in Massachusetts took away custody from her parents, and finally a victory yesterday as the court, Judge Joseph Johnston, wrote in his ruling:

Effective Wednesday, June 18, 2014, this care and protection petition is dismissed and custody of Justina is returned to her parents, Lou and Linda Pelletier.

His first statement there is:

I find that the parties have shown credible evidence that circumstances have changed since the adjudication on December 20, 2013, that Justina is a child in care and protection pursuant to G.L. c. 199, 24-26.

Clearly, the only thing that had changed was not credible evidence. It was a judge who finally did his job, which was not to take parents' kids away from them.

It reminded me of comments made by a daycare director in the Soviet Union back when I was an exchange student during college days. The daycare director was bragging that the children belonged to the state, that parents are only temporary caregivers that serve at the whim of—she didn't say "whim"—but basically at the discretion of the government.

Back then, in the Soviet Union, if you ever told your child anything negative about the Soviet Union—the Soviet Government, Soviet leaders—and they found out, they would whisk in, take your child away, and as the director said, give them to more deserving parents.

It appears that is really what happened in the Pelletier case. Some bureaucrats refused to consider all of the evidence as they should have and decided that they would play God for a while and give custody of this poor child to the State instead of her parents who gave every indication of loving her and caring about her, trying to do the right thing for her. Instead, the State caused great damage. Unfortunately, that happens too often in many

different areas when the State thinks they know better than the people personally involved.

What gets even worse is when you have a Federal administration that believes they know better than the law, that they don't have to follow the law because they are better than the law, which would make them right on par with Chavez in Venezuela or pick out the dictator. They are right there, because they know so much better than anybody else in the country. That is why they are called dictators.

One of the most shocking things about the lawlessness of this administration is that they could have spokespeople with straight faces come out and say: We really don't know what is causing this wave of humanitarian crises on the border. We just really don't understand why this wave is coming now.

Well, all they have to do is review some of the reports from Border Patrolmen, ICE agents—particularly the Border Patrolmen who have been interviewing these kids, especially the older ones, 15, 16, 17: Why did you come to the United States illegally now? And the Border Patrol reports so many of the children just say basically the same thing: It is because of your new law that is going to let us come and stay legally. It is the new law that we get amnesty, that all we have to do is come.

It is incredible the humanitarian crisis that this administration has caused. There is some blame to go around for Republicans as well, that have entered into this discussion about providing amnesty, providing legal status when, if they would simply listen to the people in the field on the border and understand the trauma that they have been going through trying to protect this country, they would find out, as Chris Crane has said before, he said again yesterday, when people in Washington talk about amnesty or legal status, we see a massive influx of people coming because they want to get here for the legal status, the amnesty. That is why it is so critical that we not talk about any kind of legal status or amnesty being awarded to anyone, that we wait until we have a President, hopefully a change in this President's heart so he will start enforcing the law and start faithfully executing the laws of the country.

It is unconstitutional for anyone in the United States, including the President, to say: I don't like the law the way it is. Congress hasn't changed it, so here's the new law.

One rather shocking thing is when the President said, you know, that Congress hadn't fixed it so here is the new law on who is going to be allowed to stay and be given legal status that we are not going to throw out. Here is the new law; here are the new requirements.

I couldn't believe conservative news media, liberal news media, they are all reporting the same thing. Gee, here is

the new law. Here are the new requirements that the President just pronounced into law.

Fortunately, there are many level-headed folks that understand that we are supposed to act within a Constitution, who pointed out you can't just stand up and say, "Here's the new law." You actually have to have it pass through Congress. Yeah, it is a tough thing to do, and that is exactly what the Founders intended, because they knew the easier it was to pass laws, the quicker Americans would lose their liberty.

Ever since the 17th Amendment was ratified, the States lost their check and balance over the Federal Government not usurping the power reserved to them in the 10th Amendment. Some have incorrectly reported that I want to repeal the 17th Amendment, go back to selecting Senators by State legislatures making the selection. There were some abuses there. Some legislators figured out how to game the system through the Senators they selected. All you would have to do is say: All right. We are going to select you to be our Senator, but here is our laundry list of things that we want.

So it was susceptible to being abused as well, but the point should not be lost that there has to be a way for States to regain the check and balance over the Federal Government usurpation of rights of the various States, the powers of the State.

If the States still had the check and balance over the Federal Government, you wouldn't see a report like John Roberts of FoxNews reported this week. "Wave of humanity," he reports: "Border Patrol overwhelmed by flow of illegal immigrants." He says:

At daybreak in this border town, two women from Guatemala—one with a small child strapped to her back—wait patiently on the levy overlooking the Rio Grande.

They have been instructed by the "coyote" who ferried them across the river for an exorbitant fee—as much as \$1,000—to simply wait for the Border Patrol to pick them up. After processing, they will likely be given a notice to appear before an immigration judge and a bus ticket to wherever in America they may have friends or relatives.

That's the way it goes, day in and day out, in what has become ground zero of the latest immigration crisis. Thousands upon thousands of people from Central America exploiting the porous border of the Rio Grande Valley to enter the United States.

To quote:

"If we don't send the message that they can't just come in and stay here, it's gonna continue, this wave of humanity," said Texas Representative HENRY CUELLAR. Cuellar is a Democrat, but an outspoken critic of how President Obama has handled this crisis.

Another story from Brandon Darby from Breitbart reports:

Vice President Moran invoked the case of Robert Rosas, a Border Patrol agent who was ambushed by illegal immigrants in 2009 in southern California. In that instance, Agent Rosas was dispatched alone to check on a sensor activation. Breitbart News has covered that issue extensively and revealed that

one of the men involved had been on supervised release from U.S. authorities. The illegal immigrants wanted Agent Rosas's night-vision equipment, so they lured, trapped, and murdered him, according to the U.S. Attorney's office. "A repeat occurrence of an incident like this is what we fear, especially now without full staffing in the field," said Vice President Moran.

Shawn Moran is vice president of the National Border Patrol Council, the NBPC. He stated:

"The administration was already putting budgets before securing the border. Our jobs are immensely dangerous as we interrupt cartel activity on U.S. soil. Their border security policy failures have already reduced the number of agents securing the border, and now they have fewer agents out there to back each other up. The lives of Border Patrol agents should not be pawns in the political games of Washington, D.C., and this administration is literally risking our lives."

The loss of Agent Rosas is an example of what happens when an administration is lawless. It breeds more lawlessness, and that is exactly what we have now on our United States border in the south. The story says:

Though Border Patrol are often heavily grouped in urban areas along the U.S.-Mexican border, they are often alone in desolate rural areas—and most of the U.S.-Mexico border is desolate.

It is really tragic what is happening, and this administration wrings its hands—well, some do. Some play golf. Some wring their hands. Some make sure they have got a good grip on their 7 iron, but others wring their hands about the losses of life and the tragedies occurring on our U.S.-Mexico border.

A story from the LA Times, Molly Hennessy-Fisk:

The call went out on Border Patrol radios just before sundown one day this week: 31 immigrants spotted illegally crossing the Rio Grande on a raft.

No sooner had the migrants been found hiding in the mesquite brush then another report came in: a woman and boy were walking up riverbank.

The Rio Grande Valley has become ground zero for an unprecedented surge in families and unaccompanied children flooding across the Southwest border, creating what the Obama administration is calling a humanitarian crisis as border officials struggle to accommodate new detainees.

□ 2030

Largely from Central America, they are now arriving at a rate of 35,000 a month. Anzalduas Park, a 96-acre expanse of close-cropped fields and woodland that sits on a southern bend of the river, has turned from an idyllic family recreation area into a high-traffic zone for illegal migration. The number of children and teenagers traveling alone from Guatemala, Honduras, and El Salvador is expected to reach up to 90,000 across the southwest border by the end of the year.

This story was written June 13. We have information that that number hit 60,000 by May, and originally 60,000 was expected to be the top. So I think it would be a good estimate to expect if we got more than 60,000 and they are coming faster and faster, and that 60,000 was hit by early May or the 1st of May, I think you can pretty well count

on more than 90,000, perhaps more than 120,000, and that is this year.

As these teenagers and others are given legal status, then their parents, they will be able to be anchors to bring other family members in with them. So you are talking about just in 1 year adding maybe 1 million people when you start looking at all the other ways people are coming in.

We bring in over 1 million people with visas legally every year. No other country in the world does that. Countries a number of times our size don't allow that many visas. We do because we are an open country. But we understand there is an obligation. You have to maintain some kind of semblance of order.

At a time when you have got tens of thousands and hundreds of thousands of people coming in illegally, and you don't know who they are, you have got drug cartels that are taking advantage of that, as ICE and Border Patrol are pointing out. They are taking advantage of it, they are moving more drugs than ever. As some have said this week, we—Border Patrol, ICE agents—were changing diapers while they are stepping up the number of drugs they are bringing in.

So how is this all happening? It comes back to the administration. If you have an administration that is lawless and refuses to enforce the law, as this administration has, you are going to reap the whirlwind.

There is another story from U.S. News, from Hidalgo County, "Migrant Surge Jams Border":

Sergeant Dan Broyles once had to battle through the spiky thicket of border vegetation here to find an immigrant illegally sneaking into the country.

But all he had to do on a recent day was to wait in plain sight along a dirt road, as a group of Salvadoran migrants, including a 7-year-old girl with a pink Hello Kitty backpack, deliberately walked up and surrendered to him a mile north of the Rio Grande.

"They're all giving up," said Sergeant Broyles, 51-years-old, a Hidalgo County Constable's official whose main responsibility is supposed to be serving court papers. As he waited for Border Patrol agents to pick up the migrants, another group was coming up behind them.

And on and on and on it goes.

It is what happens when an administration refuses to enforce the law, refuses to follow the law themselves. When you have an Attorney General that obfuscates and is complicit in the hiding of evidence and keeping evidence secret of what happened with a couple of thousand guns being forced by the government to be sold to people that never should have gotten them in the operation called "Fast and Furious." We have known about it for a number of years, but we have always felt like even in the John Mitchell Department of Justice, even when there was illegality somewhere, even at the top with the Attorney General, that there would be good people in the Department of Justice that would stand up and say: This is wrong, you are

going to destroy our country because we are supposed to be the department that ensures justice across the country.

It seems like what we are doing here in the DOJ is going after political enemies of the administration instead of being fair across the board. The rest of the world notices these things, and they notice that we are not being fair and just and righteous, as we once were. All the time this humanitarian crisis, illegal immigrants flooding into the country from our south, and the administration saying: We don't know why this is happening; why are they rushing here?

Well, then here is a story this week:

The White House to honor young illegal immigrants. The White House will honor 10 young adults on Tuesday who came into the United States illegally and qualified for the President's program to defer deportation actions.

I might remind, Mr. Speaker, that this is the President's program where he decided to change the law unilaterally, without Congress, to say he didn't like the existing law, so he pronounced new law into existence.

The story from Rebecca Shabad says:

Each person has qualified for the government's Deferred Action for Childhood Arrivals program, which delays removal proceedings against them as long as they meet certain guidelines.

They were honored as "Champions of Change."

So the White House is glorifying people that came in illegally and then is shocked that more people want to come in and be glorified for coming in illegally.

There is another story from Reuters of New York:

A New York lawmaker wants to grant many of the rights of citizenship to millions of illegal immigrants and noncitizen residents, including the right to vote in local and State elections, under a bill introduced on Monday.

So let's give benefits, let's give a place to stay, let's give food, let's give legal counsel, as this administration is doing all, and let's give them incentives. Let's give them the right to vote so that they can vote for more people to come in illegally. Because once you give the right to vote to people who have not respected the law, and you give them that right to vote before they can be educated on the importance and the responsibility of maintaining a republic—madam, if you can keep it—you are going to lose that republic, you are going to lose the ability to have a government of the people, by the people, and for the people. It becomes lawless. Might makes right.

A story from Breitbart this week:

Pro-Bono Lawyers: Most Unaccompanied Border Children Eligible for Amnesty.

A story by Sylvia Longmire:

Under the authority of the Homeland Security Act, the federal government transfers custody of illegal immigrant children who are apprehended alone at our borders to the Department of Health and Human Service's

Office of Refugee Resettlement. Their primary goal is to reunite them with a family member or legal guardian already here in the U.S.

So, as U.S. District Judge Andrew Hanen has said, now we are engaging in human trafficking.

This is a good lesson in how you lose a great nation because you refuse to enforce your laws. This country has never had perfect laws, never will have perfect laws. They are made by man. But the thing we are supposed to internally perpetually strive for is making them better and better.

You don't have to study all that much history to understand that no nation ever lasts forever. They never have, they never will, not in this life.

So the question is: How long are you able to sustain a great nation? Some have gone for hundreds and hundreds of years. The United States has never been, will never be, an empire like the Greek or Roman empire or the British empire because the United States has never been imperialistic.

When we go in and fight for freedom, Americans die for freedom, people still speak their same language, still have their same currency. We help them to set up a government. Well, it is time we quit nation-building.

Now Iraq. So many of us warned about this, and after my last visit to Iraq, DANA ROHRBACHER and I pointed out problems to Prime Minister al-Maliki, and he didn't like it. We each pointed out promises that were made and had been broken, and he didn't like it. Even 3 or 4 years ago, it was very clear to us that Maliki was either going to totally sell out to the Iranians, who had been killing Americans who were there, or he would get knocked off, just like in Afghanistan. President Karzai is either going to have to sell out to the Taliban or he is going to be killed, or he can take money that people say he has not actually embezzled that maybe some of his family has, take off with the money and try to live on that somewhere outside of Afghanistan.

We don't have to nation-build. We should just make it clear to a country: Look, you can pick whatever government you want, but when you are a threat to us and you announce you want to destroy us as the great Satan, destroy Israel as the little Satan, and you are working on the bomb that will do that, then we need to take your government out. We need to take out all of your areas where you are working on nuclear weapons and keep bombing until we have satisfactorily done that, and then let the nation pick whatever government they want. But if it is one that wants to come after us again, as the Khomeini administration has, then we need to take them out too.

The problem is this administration has been floating ideas of working with Iran, which had been killing American soldiers the entire time that U.S. soldiers were in Iraq, providing IEDs, providing weapons, providing the means

and people to help kill Americans, and which has made clear they want to wipe our country off the map, wipe Israel off the map, and this administration has people who say: Let's work with Iran to control Iraq.

That is sheer insanity. Who is thinking of these things? Allies of the United States all over the world are asking: Are we the next ally to be thrown away as the United States continues to embrace its enemies and throw away its friends?

Take your pick of the way nations have been lost over time, great nations have lost what freedom they had, what self-control they had. Look at the way they have been lost. Some have lost it internally. They spent too much money on themselves, overspent, they lost the country, became a bankrupt nation. Or sometimes they let their defense down and people came in and overwhelmed the nation. Or sometimes they were attacked by armies who destroyed their power, their government. Everywhere you turn, it appears we are taking the steps—this administration and Congress is not doing enough yet to stop them—but it appears the administration repeatedly is taking all of those roads that lead to destruction.

□ 2045

You cannot keep punishing your friends, rewarding your enemies. You cannot keep encouraging your enemies and allowing them to develop weapons that will destroy you. You cannot leave your borders open when people have made clear: We are bringing drugs in, and we are coming in with weapons now. We are taking over gangs in your cities. We are going to destroy you from within.

You can't keep doing that. Then, all that time, we are cutting spending on our defense to keep evil out. We are still overspending.

Sure, we have given some and helped wonderful companies like Solyndra and paid \$600 million or so for a Web site for ObamaCare and friends of the administration when we are told: gee, you could have done a better Web site for \$4 million.

Sure, we have spent it on all kinds of things like that, but the spending of future generations' money has to stop because you can lose the country just in that way as well.

Just when you think the lawlessness of the administration could not get any worse—just when you think, wow, it is absolutely incredible—it is very clear now that this administration's Internal Revenue Service was using IRS laws to persecute political opponents of the administration, so they could not be effective and do again in 2012 what they did in 2010.

Guess what? It worked. At first, we were told: No, they were going after liberal groups and conservative groups the same way.

Well, now, we know that is not true. They were going after conservative groups, and when administration

has IRS officials that send out questions asking about the content of your prayers, it is time to start firing people right and left.

Since that hasn't happened, it tells you that there is a disease running through this administration, a cancer that needs to be stopped.

We know that the Attorney General himself is in contempt of Congress, and we know that he sat there and told me that I was not to ever think it was a big deal for him to be found in contempt, when he knew that a year before he told ABC it wasn't a big deal to him because he didn't have any respect for people in Congress that voted to hold him in contempt. He couldn't even get his story right when he was testifying before Congress.

He needs to go. Since the administration has refused to move out an Attorney General who has repeatedly failed to do his job, has repeatedly failed to do justice, has repeatedly allowed the law to be used to go after political enemies while protecting political friends, while they have refused to go after people who believe that this country ought to be part of a great radical Islamist caliphate—and we protect those people.

Not only do we protect them, according to Egyptian periodicals that were controlled by the Muslim Brotherhood, they bragged about the people in this administration who were in positions of power, amazingly—maybe it shouldn't be that amazing—but eventually, truth does have a way of coming forward.

Yes, we have the IRS, at this point, losing emails. Of course, that triggered ideas in my head because there are criminal laws about obstructing Congress. There are criminal laws about obstructing investigations. There are criminal laws about IRS agents abusing their positions.

So anyone anywhere in the administration that is in any way assisted or encouraged in any way the losing or the reported loss of emails—this active coverup that is going on—they committed a crime, and it isn't just a 6-month statute of limitations, and they should be worried.

So the IRS, despite the laws regarding redundancy, despite the requirements that they are to keep records, they haven't done so.

There was a great letter that was sent by an attorney for True the Vote, one of the persecuted conservative groups. Cleta Mitchell, the attorney, writes to the counsel for the IRS and says:

As you know, True the Vote filed its lawsuit in the above-referenced matter on May 21, 2013. By the time True the Vote filed its suit, the Internal Revenue Service and its employees and officials were on notice of the commencement of several congressional investigations.

The House Committee on Oversight and Government Reform, the House Committee on Ways and Means, and the Senate Finance Committee have each provided notice to the IRS of their ongoing investigations into the

IRS and, specifically, defendant Lois Lerner and her activities related to the issues involved in the True the Vote litigation for over a year now.

Late Friday, the IRS apparently advised the Ways and Means Committee that the IRS has "lost" Lois Lerner's hard drive, which includes thousands of Defendant Lerner's email records.

However, several statutes and regulations require that the records be accessible by the committees and, in turn, must be preserved and made available to True the Vote in the event of discovery in the pending litigation.

Those statutes include the Federal Records Act, Internal Revenue Manual section 1.15.6.6, IRS Document 12829, 36 CFR 1230, and 36 CFR 1222.12.

Under those records retention regulations and the Federal Records Act generally, the IRS is required to preserve emails or otherwise contemporaneously transmit records for preservation.

Therefore, the failure for the IRS to preserve and provide these records to the committees would evidence further violations of numerous records retention statutes and regulations or obstruction of Congress.

Federal courts have held, in the context of trial, that the bad faith destruction of evidence relevant to proof of an issue gives rise to an inference that production of the evidence would have been unfavorable to the party responsible for its destruction.

It then cites a Federal case. That is called the doctrine of spoliation.

The fact that the IRS is statutorily required to preserve these records, yet nevertheless publicly claimed that they have been "lost" appears to be evidence of bad faith.

18 USC 1505 makes it a Federal crime to obstruct congressional proceedings and covers obstructive acts made during the course of a congressional investigation, even without official committee sanction.

It cites authority for that proposition.

Further, by letters dated September 17, 2013, True the Vote provided notice to counsel for the individual IRS defendants in this litigation. The individual defendants are: Steven Grodnitzky, Lois Lerner, Steven Miller, Holly Paz, Michael Seto, Douglas Shulman, Cindy Thomas, William Wilkins, Susan Maloney, Ronald Bell, Janine L. Estes, and Faye Ng.

True the Vote's September 17, 2013, correspondence reminded you and your clients of the individual defendants' obligation "not to destroy, conceal, or alter any paper or electronic files, other data generated by and/or stored on your clients' computer systems and storage media, e.g., hard disks, floppy disks, backup tapes, or any other electronic data, such as voice mail."

We identified the scope as encompassing both the personal and professional or business capacity of your clients and involving data "generated or created on or after July 15, 2010." See attached letters to Ms. Benitez and Messrs. Lamken and Shur.

As the D.C. District Court has found, "a party has a duty 'to preserve potentially relevant evidence . . . ' once that party anticipates litigation.'"

It cites the authority for that.

In fact, "that obligation 'runs first to counsel, who has a duty to advise his client of the type of information potentially relevant to the lawsuit and of the necessity of preventing its destruction.'" It "also extends to the managers of a corporate party, who 'are responsible for conveying to their employees the requirements for preserving evidence.'"

By letter dated September 25, Ms. Benitez acknowledged receipt of our "litigation

hold" letter and vociferously objected to our having the temerity to send such a letter, "rejecting" our characterization of documents to be preserved.

Indeed, Ms. Benitez, you indicated that you took great offense at having been put on notice to preserve and maintain documents related to the issue of this litigation.

You further advised, however, that you would continue to advise "your clients as appropriate and, as always, will abide by my legal and ethical obligations."

The public reports released late on Friday, June 13, 2014, stated the IRS now claims to have "lost" the emails of defendant Lois Lerner.

I have got to inject. Ms. Benitez apparently wasn't being honest. She apparently didn't know how to properly advise her clients and properly abide by the legal and ethical obligations that she had.

This letter goes on:

These reports are particularly astonishing in light of your representations, Ms. Benitez, that you would "advise your clients, as appropriate, and would abide by your legal and ethical obligations."

The "lost" emails, from press reports, appear to cover a time period from January 2009 to April 2011.

We are deeply troubled by this news and are concerned about the spoliation of information and documents pertaining to this case and the apparent failure on your part to, a, protect and preserve all potentially relevant information and, b, to advise us of such failure and spoliation when you first learned of it.

We are even more concerned after receiving your assurances that you would "abide by your legal and ethical obligations."

Accordingly, we hereby request that you advise us of the following.

Then it goes on with demands. They are quite reasonable.

It says:

In addition to seeking responses to the questions in this letter, we also seek your consent to immediately allow a computer forensics expert selected by True the Vote to examine the computers that is or are purportedly the source of Ms. Lerner's "lost" emails, including cloning the hard drives, and to attempt to restore what was supposedly "lost" and to seek to restore any and all "lost" evidence pertinent to this litigation.

We also seek access to all computers, both official and personal, used by any and all of the defendants from and after July 1, 2010, in order to ensure preservation of the documents of all defendants in this action.

We wish to resolve our concerns amicably; but, absent your consent, we will file such motions as deemed necessary and appropriately asking the court to require that you respond to the questions contained in this letter and to permit such forensic examination described herein and for such other relief as may be appropriate for this egregious breach of legal authority and professional ethics.

Anyway, the judge in that case needs to go ahead and order all kinds of sanctions against the Internal Revenue Service. It needs to order all kinds of sanctions against the attorneys and the employees involved in that litigation who have failed to produce what was required.

The judge needs to make clear that justice, including from our own so-called Justice Department, will not

permit this kind of lawlessness. It is outrageous. It is simply outrageous.

□ 2100

Just when you think the ignoring of the safety of American citizens couldn't get much worse by this administration, they brag that they are bringing a known terrorist to New York City. Nobody on the left seems to be terribly bothered by the fact that they say they are putting him on a slow ship to the U.S. when they should have put him on a fast plane to Guantanamo Bay. It is better kept than many prisons I have been to that actually meet the requirements of the law, including the requirements of liberal judges. It is better than so many prisons.

Yes, they get to play soccer, and when they continue to throw feces or urine on our guards, then they do lose some of their movie time watching. When I was down there a couple of times, somebody lost movie privileges because he figured out a way to throw urine or feces on guards. There actually was a guard who yelled back at the person who threw feces on him, and he ended up being punished, I was told, by Article 15 because you are not allowed to respond when a terrorist throws feces or urine on you. They will take care of the adequate punishment, and they think it is enough to take away some of their movie watching time or television watching time or to maybe take away some of the time they get to be outside, playing soccer.

They don't need to be in the United States if they have committed an act of war against the United States, and the evidence seems to indicate clearly that this defendant had. I am very pleased and I applaud the administration for finally picking up this guy who was so available to international media that they could get interviews with him. Yet the administration didn't want to pick him up. If they had, they could have gotten him at any time. I guess, last year, they picked up this terrible terrorist in Libya, and when I was over there, the Libyans said his address had been on the Internet for a year. The U.S. could have gotten him any time they wanted to—they knew where he lived—but the administration finally decided to do something about it, so they did.

This is an article from CBS News: "Benghazi Suspect Expected to Face Criminal Charges in D.C. Federal Court." When Americans say someone who commits an act of war against the United States should be brought to a Federal district court because it is his constitutional right, it tells you immediately they don't know the Constitution because, under the Constitution, there isn't even a U.S. District Court created. How can somebody have a right to a United States district court under our Constitution when there is no U.S. district court created in our Constitution?

As David Guinn used to say, who was my old constitutional law professor,

there is only one court created in the entire Constitution. That is the Supreme Court. Every other Federal court in America owes its existence and jurisdiction to the United States Congress. As Bill Cosby said his father used to say, "I brought you in this world, and I can take you out." The Congress brought these courts into this world. We can take them out of this world. Nobody has a constitutional right to a U.S. district court. If you commit an act of war, you have got a right to a tribunal if we so choose, and we have. You may have a right to a military court.

I don't understand, Mr. Speaker, why in the world liberals in the United States think that someone who commits an act of war against the United States should have more constitutional rights than our United States military, and this administration thinks one does. How do you know? Look at what they are doing to our military. Go talk to some of our military members who have been put in prison. They say: We believed our lives were in jeopardy, that we were in immediate danger of death or of serious bodily injury, so we defended ourselves.

You shouldn't have because you hit a civilian or you hit somebody else or you hit somebody who was messing with an IED, but that didn't mean that he actually planted it.

There are all kinds of people we have in prison now who are serving our United States military, and they were not given near the rights that this person—this radical Islamist who wants to destroy America—is now being told he is going to get.

So they say they are questioning him, but the Federal Government said that about the last suspect they arrested and put on a slow boat to the U.S., and there were people here who were saying this is great, that this may be the one guy they say they wouldn't mind having waterboarded in order to get all of the information out of him they could.

Then we hear from an international arms dealer who says: Yes, I was the one who negotiated the arms deal for the U.S. State Department. They wanted to get arms to Libyan rebels, and I proposed just their buying them, and then I would get them to the rebels. But they said: No, no, no. We don't want it that direct. So he says he bought the weapons for the State Department and got them to Qatar and then, from Qatar, got them to the rebels who were infused with al Qaeda rebels.

Anyway, the international arms dealer sent me a statement saying he wanted to testify before Congress because the people he worked with who were representing the U.S. Government and others were either dead or they were on a boat somewhere so that nobody could talk to them. He figured, if he could get his story out before Congress, then maybe there wouldn't be any need to kill him or to stick him on a boat

somewhere so he couldn't talk. That was what the statement of the international arms dealer has been—the statement that was sent to me—and yet they want to bring here someone they say they are certain committed an act of war against the United States.

I heard on the news today that, gee, they have had evidence of this al-Shabaab involvement since the event happened. Since the event happened? That would mean all of the time that Secretary Clinton was out there—saying it was the video and looking family members of the deceased of Benghazi in the eye and saying: We are going to get the guy who did the video—she knew that the evidence was nothing of the sort, that the video had nothing to do with the loss of these four American lives.

There is no right of someone who commits an act of war against the United States to get an immediate trial. He is not entitled under our Constitution to get a speedy trial. He is not under our Constitution entitled to get a trial before a U.S. district court. He is entitled under the current law to go to Guantanamo Bay—where no one has ever been waterboarded by the way—and have a trial in that courtroom. I went through it, and I was impressed at how well equipped it was for trying terrorists, even to the extent of having bulletproof glass for the gallery.

There could be all kinds of horrible scenarios to arise out of this administration's insistence on bringing an enemy combatant—a warrior against the United States—who should be considered either an enemy combatant or a prisoner of war. He shouldn't be brought. There are too many bad things that can happen. New York has suffered enough.

I do want to finish with this one article, published this week by Breitbart and written by Kerry Pickett. I have talked for some time about a Texan named Mohamed Elibary. I questioned our Secretary of Homeland Security about her giving him a secret security clearance when he clearly should not have met any of the requirements to get such a clearance. We knew that he had downloaded two documents from using his secret classification. According to reporter Patrick Poole, not only did he download them, but he offered them to national media for publication.

Mr. Elibary has gotten so cocky now because I have been talking about this for a number of years. The administration has not bothered to revoke his secret classification, and he continues to be one of the top advisers to Homeland Security. It is our homeland security for heaven's sake, and he sends out this tweet on June 13 that says:

Kind of comical watching pundits on some U.S. TV channels freak out about an ISIS caliphate. Easy, folks. Take deep breaths and relax.

Kerry Pickett reports:

Mohamed Elibary, a member on the Obama administration's Homeland Security Advisory Council, is at the center of a controversy involving allegations that former DHS Secretary Janet Napolitano gave him secret clearance, which led to his downloading classified information. According to Representative Louie Gohmert, Elibary later shopped that classified material around to a reporter.

Elibary, a supporter of the Muslim Brotherhood, who regularly goes after the Sisi-led Egyptian Government, is also an active participant on Twitter, and mocked the "freak out" by U.S. talking heads discussing the terrorist activities relating to the Islamic State of Iraq and Syria, ISIS.

So Elibary says that. He thinks it is comical watching pundits freak out over the Islamic State of Iraq and Syria's caliphate.

He goes on in another tweet in response to a tweet back that says:

So no need to be outraged?

He says:

As I've said before, inevitable that caliphate returns. Choice only whether we support an EU-like Muslim Union vision or not.

So Mr. Elibary, who is a top adviser in the United States of America Homeland Security Department, is saying it is inevitable that we have an Islamic caliphate over the United States. It is just whether or not we are going to embrace a European Union-style caliphate that is coming or something else.

Even when he is questioned again by another tweet, in talking about an Islamic caliphate, he says:

The U.S. is heading in the direction. Bush created the OIC—Organization of Islamic Council—Special Envoy.

So that took us a little bit down the road to being part of the caliphate. Then he says:

Obama removed the discriminatory engagement policy toward the Muslim Brotherhood.

That is the purging of documents I have been talking about for years. This administration, according to their Homeland Security adviser here, has been moving toward being part of a caliphate for years. Get used to it. He finds it comical that pundits are even worried about it.

With the lawlessness that is occurring in the United States and inside our Justice Department and in this administration in numerous places—in the IRS, on our border—it is time for Americans to wake up, and it is time for Americans to let their Congressmen and Senators know we have had enough lawlessness. You guys have got to hold the Attorney General and the President accountable. Once enough people wake up and demand it, they will get it because the adage remains true: democracy ensures a people get a government no better than they deserve.

With that, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. KIRKPATRICK (at the request of Ms. PELOSI) for June 18–20 on account of family obligations.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1254. An act to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 19, 2014, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6013. A letter from the Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2014–2015 Marketing Year [Doc. No.: AMS-FV-13-0087; FV14-985-1 FR] received May 23, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6014. A letter from the Associate Administrator, Department of Agriculture, transmitting the Department's final rule — Grapes Grown in a Designated Area of Southeastern California; Increased Assessment Rate [Doc. No.: AMS-FV-14-0010; FV14-925-1 FR] received May 28, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6015. A letter from the Associate Administrator, Department of Agriculture, transmitting the Department's final rule — User Fees for 2014 Crop Cotton Classification Services to Growers [AMS-CN-13-0085] (RIN: 0581-AD35) received May 28, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6016. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Eric E. Fiel, United States Air Force, and his advancement on the retired list to the grade of lieutenant general; to the Committee on Armed Services.

6017. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States (DFARS Case 2013-D015) (RIN: 0750-A101) received May 23, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6018. A letter from the Senior Procurement Executive, GSA, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-74; Introduction [Docket No.: FAR 2014-0051; Sequence No. 1] received June 2, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6019. A letter from the Senior Procurement Executive, GSA, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation;